## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:17-CR-81-MOC-DCK

UNITED STATES OF AMERICA,	)	
	)	
VS.	)	ORDER
DARIOUS DEMAINE WESTON,	)	ORDER
Defendant.	)	
	)	

**THIS MATTER** comes before the Court on Defendant's *pro se* motion, which is titled "Motion for Writ of Habeas Corpus Under Federal Rules of Civil Procedure Rule 60(b)(5)." (Doc. No. 77). Defendant has submitted no grounds whatsoever in his motions for obtaining relief under Rule 60(b)(5). Furthermore, to the extent Defendant seeks to vacate, set aside, or correct his sentence, he must file a motion under 28 U.S.C. § 2255.

## **ORDER**

IT IS, THEREFORE, ORDERED that Defendant's *pro se* motion, which is titled "Motion for Writ of Habeas Corpus Under Federal Rules of Civil Procedure 60(b)(5), (Doc. No. 77), is **DENIED**.

Signed: June 1, 2021

Max O. Cogburn Jr United States District Judge